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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 10/673,009 | 09/26/2003 | Franco Carlotto | Z01-142 | 9525 |
| 7590 | 10/03/2005 | | EXAMINER | |
| R. Neil Sudol 714 Colorado Avenue Bridgeport, CT 06605-1601 | | | LITHGOW, THOMAS M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |
| | | | DATE MAILED: 10/03/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/673,009 | CARLOTTO, FRANCO | |
| | Examiner | Art Unit | |
| | Thomas M. Lithgow | 1724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,2 and 7-12 is/are rejected.
- 7) Claim(s) 3-6 and 13 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 September 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 24 June 2004.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 7, 9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
Claim 7, line 1, "said filtering" lacks antecedent basis. Suggested language might be --said filtration means--. Claims 9 and 13, "said body" lacks antecedent basis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelada (US 6099735). Kelada '735 discloses a countertop water treatment device with a pump 38 and filtration means (24, 26, 28, 30) including RO module 28. The Kelada '735 device employs an enclosure

including a cover 14 and a flowboard 12. The flowboard is noted to contain a system of channels and holes formed within its material for conveying the water from one compartment to another. Kelada '735 also includes as a cartridge module option, a thermoelectric water heater [col. 22, lines 63+] employed to cool the water. Kelada '735 discloses his thermoelectric cooler may employ the Peltier effect for cooling.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon (US 5755957) in view of either one of Sloak (US 5143601) or Clack (US 5002664). Jeon '957 discloses the basic pump and filter combination unit with an enclosure. The Jeon '957 unit employs various internal conduits as illustrated in fig. 3 to connect the various units within his water purifier. Either one of Slovák (US 5143601) or Clack (US

5002664) disclose the advantageous use of a prefabricated module (see manifold 18 in Slovak '601 and body 12 in Clack '664) which has the flow lines preformed therein to reduce leakage problems (Slovak [col. 2, lines 18-30] and Clack [col. 1, lines 55-col. 2, line 21]) and facilitates rapid changing of the individual units without having to deal with various connects. The structure in Jeon '957 (fig. 3) for supporting the three filters is clearly part of the enclosure and to substitute the improved manifold of either of Slovak '601 or Clack '664 would have been obvious to one of ordinary skill in the art at the time of the invention.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art (any combination) as applied to claim 1 above, and further in view of DE 4108441. DE '441 discloses the use of a Peltier cooling unit to cool the permeate formed in an RO filter unit. As such is known, it would have been obvious to employ such a cooler for its intended purpose to supply cold water to the water consumer.

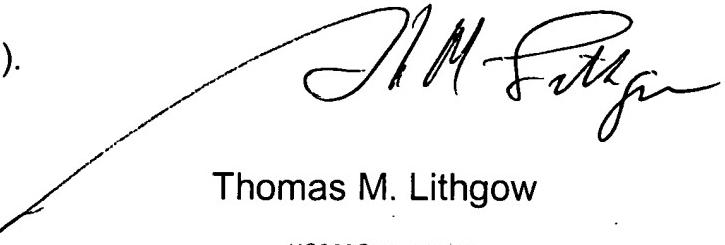
7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art (any combination) as applied to claim 1 above, and further in view of Jarocki (US 6312589). The addition of CO₂ to a purified water for the purpose of carbonating the water in a beverage making process is

taught by Jarocki '589. To do so to any of the water purifiers above would have been obvious to one of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M. Lithgow

THOMAS M. LITHGOW
PRIMARY EXAMINER
GROUP 1700